

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EVERETT SHELTON  
Plaintiff

v.

FCS CAPITAL LLC, ET AL.  
Defendants

No. 2:18-cv-03723-JDW

---

**CERTIFICATION OF JOSHUA L. THOMAS IN OPPOSITION TO CONTEMPT**

1. I hereby respond to the motion for contempt, in part with this certification.
2. As previously stated, I sent emails on October 2, 2020 after the order came out and Sunday afternoon requesting the documents in regards to the contempt order.
3. Additionally, as previously stated, I called and texted the Defendants regarding the documents and response as well, but received no response besides one text from Barry Shargel stating "Sorry, I can't talk right now".
4. I received a call on or about October 2, 2020, allegedly from Mr. Lionel Artom-Ginzburg, stating he was now representing Defendants.
5. During that call, he stated he would be sending me communication stating as much, and even went so far as to ask for my fax number, even though my communication information is clearly on the docket, including email and phone number, which is what he presumably used to call me in the first place.
6. I have received no Fax from him or Defendants as of this time. (See Exhibit A).
7. To date, I have received no further calls, emails, mail or any other communication from him.
8. Additionally, he did not ask me to substitute out of the case.

9. He also confirmed, at the time, he understood I would be submitting the appellate briefs in the related appeal.
10. At no time, did he state any indication that he would 1) be submitting the briefs instead or doing any work on that matter 2) that he had permission from Defendants to work on that matter, or 3) did he indicate that Defendants asked me to withdraw from this case or that one.
11. Instead, from Mr. Artom-Ginzburg submitted a certification October 5, 2020, apparently from Defendants.
12. However, based on alleged email communications between opposing counsel and Mr. Artom-Ginzburg, it appears that they are attempting to resolve the matter.
13. To date, I have not received any additional documents from Defendants regarding the responses or those communication attempts.
14. I have received no emails, texts, calls or any other communication regarding those discussions either from Mr. Artom-Ginzburg or Defendants, beyond that initial call on October 2, 2020.
15. As such, while I request that the motion for contempt be denied, I ask the court take into consideration the fact that Defendants are apparently working with another counsel, have not communicated with me, and their other counsel has not either.
16. Additionally, in light of these facts, I will likely be filing a motion to withdraw as counsel, as I cannot continue to represent the defendants given these facts, and given that they apparently have hired new counsel, who will likely be submitting an additional response in regard to the motion for contempt.

I hereby certify that the foregoing statements made by me are true and correct to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: October 5, 2020

/s/ Joshua Thomas  
Joshua L. Thomas and Associates  
Joshua Thomas Esq.  
Supreme Court ID No. 312476  
225 Wilmington-West Chester Pike  
Suite 200  
Chadds Ford, PA 19317  
Phone: (215) 806-1733  
Email: [JoshuaLThomas@gmail.com](mailto:JoshuaLThomas@gmail.com)